

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

Voluntary    Public

**Date:** 9/2/2016

**GAIN Report Number:** RS1649

## Russian Federation

**Post:** Moscow

### New Rules for Phytosanitary Control at the State Border of the RF

**Report Categories:**

Sanitary/Phytosanitary/Food Safety

**Approved By:**

Robin Gray

**Prepared By:**

FAS Moscow Staff

**Report Highlights:**

Government Resolution No. 792 of August 13, 2016, approved the new Rules for the State Quarantine Phytosanitary Control (Supervision) at Checkpoints on the Border of the Russian Federation. The new Rules specify the role of the Federal Service for Veterinary and Phytosanitary Surveillance in the phytosanitary control at the border, procedures for such controls and the basis for decisions on whether to allow or ban access of products of phytosanitary concern to the territory of the Russian Federation.

**General Information:**

Government Resolution No. 792 of August 13, 2016, approved the new [Rules for the State Quarantine Phytosanitary Control at the Russian Border](#). The Government Resolution authorizes the Federal Service for Veterinary and Phytosanitary Surveillance (VPSS) to implement border quarantine and phytosanitary controls. The Rules establish the procedures for the state quarantine phytosanitary control (surveillance) at checkpoints in accordance with the Decision of the Customs Union Commission No. 318 of June 18, 2010 (with amendments) [On Provision of the Plant Quarantine in the Eurasian Economic Union](#).

The Rules specify the sequence of actions and decision-making procedures, the role of VPSS and customs authorities in the reception, examination and verification of documents and examination of shipments of regulated products of high and low phytosanitary risks. The Rules determine the cases when shipments are not allowed in the country. Thus, Paragraph 25 stipulates the following:

“25. Based on the results of examination (visual inspection) conducted in the course of state control of the regulated articles, an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body makes a decision to ban the regulated articles from importation, if during the examination (visual inspection) it was found that:

- a. regulated articles are the regulated articles of a high phytosanitary risk, while the commercial and/or transport (shipping) documents specify the name of articles as articles of a low phytosanitary risk and a phytosanitary certificate is not provided for the specified regulated articles;
- b. the names of the regulated products do not match the data specified in the phytosanitary certificate;
- c. the phytosanitary certificate is counterfeited or invalid;
- d. contamination (infestation) of the regulated articles with quarantine objects (pests) is verified: either on the surface of the regulated articles, or in the package (taking into consideration the results of testing), quarantine objects (pests) were found, except:
  - fruits with the presence of quarantine species of *Scale* insects;
  - meal and cake and other types of solid waste generated through the process of fat and oil extraction with the presence of quarantine weeds (except quarantine object (pest) *Striga* spp.) and subject to their further transportation to facilities where seeds are de-vitalized.
  - other regulated articles contaminated (infested) with quarantine objects (pests), if import of such articles is allowed in accordance with the legislation of member state of the Eurasian Economic Union in whose territory a place of arrival of imported regulated articles is located; and, in cases where the imported regulated articles are placed under the customs procedure of customs transit - the place of delivery of such articles.”

Thus, processing of regulated products infested with quarantine weeds for de-vitalization of seeds of weeds is allowed only for oilseed meal and cake.

The unofficial translation of the Rules is given below.

*BEGIN UNOFFICIAL TRANSLATION*

APPROVED by

Resolution of the Government of

the Russian Federation No. 792

dated August 13, 2016

**Rules of Conducting State Quarantine Phytosanitary Control (Surveillance) at the Checkpoints on the State Border of the Russian Federation**

1. These Rules establish procedures for conducting state quarantine phytosanitary control (surveillance) (hereinafter – “state control”) at checkpoints on the state border of the Russian Federation (hereinafter – “checkpoints”) in compliance with Decision of the Commission of the Customs Union dated June 18, 2010, No.318 “On Plant Quarantine Assurance in the Eurasian Economic Union” (hereinafter – Decision of the Commission of the Customs Union).

2. State control at checkpoints is conducted for commodities included in the List of regulated (causing quarantine concerns) products (regulated cargo, regulated materials and regulated articles) subject to quarantine phytosanitary control (surveillance) at the customs border of the Eurasian Economic Union and the customs territory of the Eurasian Economic Union approved by Decision of the Commission of the Customs Union.

State control is implemented by the Federal Service for Veterinary and Phytosanitary Surveillance and its territorial bodies, as well as the customs authorities in the area pertaining to the verification of documents for regulated products at checkpoints.

3. State control at checkpoints is conducted to verify whether regulated products comply with phytosanitary requirements of a member state of the Eurasian Economic Union, on the territory of which the site of customs clearance completion is located.

4. In case of importation of regulated products to the customs territory of the Eurasian Economic Union, a carrier or an entity acting on its behalf (hereinafter – “carrier”), along with the documents envisaged in the Customs Code of the Customs Union, submits to the customs authorities the following documents:

- a. commercial and transport (shipping) documents for the imported batch of regulated products;
- b. phytosanitary certificate(s) for the imported batch of regulated products (with translation when necessary) – in case of importation of regulated products of high phytosanitary risk;
- c. permit for importation of quarantine objects (quarantine pests) for research purposes;

5. Submission of phytosanitary certificates is not required for importation of the following regulated products of high phytosanitary risk:

- a. wood packaging materials and fixing materials. A customs officer or an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body shall, in the course of visual inspection or examination of the said regulated products, verify the availability of an internationally recognized special marking;
- b. regulated products placed in transport vehicles and intended for use as food for the teams and crews of these vehicles, without the right of carrying them outside the transport vehicles;

- c. regulated products moved across the customs border of the Eurasian Economic Union in postal items, carry-on luggage of the passengers of ships, aircrafts, passenger train cars, motor vehicles, members of the crews of ships, aircrafts, and in dining train cars, provided that the above products do not comprise planting materials or planting seeds, or potatoes.

6. Inspection is carried out to examine the regulated products of high phytosanitary risk, as well as the regulated products of low phytosanitary risk, their packages in cases where their visual inspection has detected organisms with morphological characteristics similar to those of quarantine objects (quarantine pests), symptoms of plant diseases, or signs of damage of the regulated products caused by quarantine objects (quarantine pests).

Inspection of transport vehicles within the scope of initial state control is conducted by officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies only in those cases where a customs officer has made a decision on transferring the regulated products to state control to be conducted by officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies.

7. In case of findings, regulated products that are subject to visual inspection (examination) pursuant to paragraph 6 of these Rules, a customs officer will make a decision whether to transfer such products to specifically equipped and furnished sites at checkpoints for conducting visual inspection (examination) of goods by officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies.

The above decision is formalized by a customs officer via making a mark “To be inspected Quarantine phytosanitary control” in the transport (shipping) document; the mark should be attested with the signature and personal numbered seal, stating the date and time.

8. In the case of absence of the regulated products subject to visual inspection (examination) pursuant to paragraph 6 of these Rules, a customs officer, within the scope of his/her competence, conducts state control of the regulated products by verifying the documents envisaged in paragraph 4 of these Rules.

9. In case where documents specified in paragraph 4 of these Rules are not provided for the regulated products delivered by sea or air transport to the customs territory of the Eurasian Economic Union, such products are placed by the carrier into the temporary storage warehouse or another temporary storage facility established in Article 198, Part 1, of the Federal Law “On Customs Regulation in the Russian Federation (hereinafter – temporary storage facility).” In this case, the regulated products are placed in temporary storage facilities, separate from other commodities kept at this temporary storage facility.

In cases where a carrier refuses to place the above mentioned regulated products into the temporary storage facility, a customs officer will undertake actions in accordance with paragraph 15 of these Rules.

10. In cases where the regulated products specified in paragraph 9 of these Rules are placed into a temporary storage facility, a customs officer will notify the carrier that within three days it is necessary to submit the documents mentioned in paragraph 4 of these Rules by making a mark on the

transport (shipping) document “Documents must be submitted for quarantine phytosanitary control,” stating the date of submission of these documents. The mark is attested by the signature and personal numbered seal stating the date and time.

The procedure established in this paragraph is not applied to commodities banned from import to the customs territory of the Eurasian Economic Union.

11. In cases where the documents mentioned in paragraph 4 of these Rules with regard to the regulated products that had been placed into a temporary storage facility according to paragraph 10 of these Rules are not submitted to the customs authority, a customs officer will undertake actions in accordance with paragraph 15 of these Rules.

12. In cases where regulated products delivered by sea transport to the customs territory of the Eurasian Economic Union are entered into the customs procedure of customs transit and later transported by the same vessel without unloading, submission of documents is allowed as specified in paragraph 4 of these Rules, to the customs authority of destination point.

13. In cases where a customs officer, while making a decision on placing commodities at the marine or air border crossing point under a particular customs procedure, revealed that the commodities are subject to state control, but at the time of their arrival in the customs territory of the Eurasian Economic Union the state control had not been conducted, the customs officer shall undertake the following actions:

- a. exercise state control pursuant to the present Rules (except the case defined in paragraph 12 of these Rules) – at the time of placing the regulated products under the customs procedure of customs transit;
- b. make decision on directing the regulated products to officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies for conducting state control pursuant to the procedure established by the legislation of the Eurasian Economic Union and the legislation of the Russian Federation – at the time of placing the regulated products under a customs procedure other than the customs procedure of customs transit.

14. Decision on directing the regulated products specified in paragraph 13 of these Rules to officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies is formalized by a customs officer via making a mark “Quarantine phytosanitary control is required” on the transport (shipping) document; the mark is attested by the signature and personal numbered seal stating the date and time.

15. A customs officer makes decision on the ban of the batch of regulated products from importation in the following cases:

- a. the phytosanitary certificate on the batch of regulated products of high phytosanitary risk is not provided, except cases envisaged in paragraphs 5 and 9 of these Rules;
- b. the identified place of origin (manufacture or putting together) of the batch of regulated products corresponds with the introduced ban on imports of the regulated products originating from a particular country, particular region or manufactured (put together) in a particular production facility, and the said batch had been shipped later than the date when such ban became effective;
- c. quarantine objects (pests) are imported without submitting an import permit for their use in

- research purposes;
- d. availability of the reliable information highlighting that the actual quantity of regulated products in the batch of regulated products is at least 10 percent higher than the quantity indicated in the phytosanitary certificate;
- e. data contained in the phytosanitary certificate do not correspond to the information included in the commercial and transport (shipping) documents.

16. Decision described in paragraph 15 of these Rules is formalized by a customs officer via making a mark “Banned from Import” on the consignment (shipping) documents attested by the signature and personal numbered seal stating the date and time.

Copies of the said documents are delivered to officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies.

In cases where a decision is made on the ban of regulated products from importation, the products shall be returned or destroyed at the expense of their owner.

A customs officer shall notify the carrier of regulated articles on the adopted decision. Within 2 days from the date of notification of the carrier by the authorized customs officer on the adopted decision to ban the regulated products from importation, the owner of these regulated articles shall undertake actions for returning or destroying the regulated articles.

17. A customs officer verifies a submitted phytosanitary certificate and, in case where there are some grounds to believe that the phytosanitary certificate is counterfeited or invalid, makes decision on transferring the regulated articles for state control to be conducted by officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies.

18. Phytosanitary certificate is recognized as counterfeited in the following cases:

- a. phytosanitary certificate is issued by a non-authorized body;
- b. phytosanitary certificate fails to comply with the established requirements to the form used for certificate issuance.

19. Phytosanitary certificate is recognized as invalid in the following cases:

- a) phytosanitary certificate is not filled out completely;
- b) phytosanitary certificate was issued for a batch of the regulated articles after its actual departure from the territory of the country where it was issued by the country’s authorized body, with exception of the phytosanitary certificates issued in substitution, provided that the authorized body of exporting country will ensure and confirm:

- the phytosanitary safety of the regulated articles;

- sampling, inspection and treatment of the regulated articles necessary for satisfying the quarantine phytosanitary requirements prior to their shipment;

- wholeness of the regulated articles from the date of their shipment to the date of importation to the customs territory of the Eurasian Economic Union;

- a. the period of validity of phytosanitary certificate (time period from the date of issuance of the phytosanitary certificate) has expired;
    - b. phytosanitary certificate contains amendments that are not certified by the authorized body

which had issued the certificate;

- c. phytosanitary certificate for a batch of the regulated articles which is banned from importation was issued after the introduction of such ban, or after the date (expiration of a certain time period) specified in the decision introducing such ban.

20. In case where all necessary documents mentioned in paragraph 4 of these Rules are available and the documents comply with the established requirements, a customs officer, based on the results of state control, in particular control of the paperwork, makes decision on allowing importation of the regulated products.

The above decision is formalized by a customs officer by affixing a stamp “Importation is Allowed” on the phytosanitary certificate (if available) and 3 copies of the transport (shipping) document, attested by the signature and personal numbered seal stating the date.

21. Based on the results obtained with the use of the risk management system, a customs officer makes decision on transferring a batch of the regulated articles to officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies for conducting examination (visual inspection).

Prior to introduction of this risk management system, a customs officer shall make decision on transferring a batch of the regulated articles to officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies for conducting examination (visual inspection) in accordance with paragraph 6 of these Rules.

22. The decision envisaged in paragraphs 17 and 21 of these Rules is documented by a customs officer via making a mark on the phytosanitary certificate accompanying the batch of regulated articles - “Subject to inspection. Quarantine phytosanitary control” attested by the signature and personal enumerated seal, stating the date and time.

23. In cases described in paragraphs 7, 17 and 21 of these Rules, a customs officer, for the purpose of conducting examination (visual inspection) will transfer the documents on the regulated articles to officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies.

24. For the period of examination (visual inspection) of the regulated articles a decision on its location is made by an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies together with customs officials.

The examination (visual inspection) of the regulated articles is conducted by officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies simultaneously with officials of the customs and border authorities or other state supervision authorities, if these authorities have also come to a decision on conducting examination (visual inspection).

Based on the results of examination (visual inspection) of the regulated articles, an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body will develop an act according to the format established by the Ministry of Agriculture of the Russian Federation.

25. Based on the results of examination (visual inspection) conducted in the course of state control of the regulated articles, an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body makes a decision to ban the regulated articles from importation, if during the examination (visual inspection) it was found that:

- a. regulated articles are the regulated articles of a high phytosanitary risk, while the commercial and/or transport (shipping) documents specify the name of articles as articles with a low phytosanitary risk and phytosanitary certificate is not provided for this batch of regulated articles;
- b. data on the names of regulated products do not match the data specified in the phytosanitary certificate;
- c. the phytosanitary certificate is counterfeited or invalid;
- d. a fact of contamination (infestation) of the regulated articles with quarantine objects (pests) is verified: either on the surface of regulated articles, or in the package (taking into consideration the results of testing) the quarantine objects (pests) have been found, except:
  - fruits with the presence of quarantine species of scale insects;
  - meal and cake and other types of solid waste generated through the process of fat and oil extraction with the presence of quarantine weeds (except quarantine object (pest) *Striga* spp.) and subject to their further transportation to facilities where seeds are de-vitalized.
  - other regulated articles contaminated (infested) with quarantine objects (pests), if import of such articles is allowed in accordance with the legislation of member state of the Eurasian Economic Union in whose territory a place of arrival of imported regulated articles is located; and, in cases where the imported regulated articles are placed under the customs procedure of customs transit - the place of delivery of such articles.

26. In cases envisaged in paragraph 25 of these Rules, an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body shall notify the carrier of regulated articles that the regulated articles are banned from importation.

27. Decision on the ban of regulated articles from importation is documented by an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body by marking the phytosanitary certificate (if available) and the transport (shipping) document with a stamp “Banned from Importation” attested by the signature and personal numbered seal stating the date.

28. After making decision on the ban of regulated articles from importation or ban from their placement under the customs procedure of customs transit due to the detection of their contamination (infestation) with quarantine objects (pests), an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body should offer the owner of these articles to perform their decontamination or destruction, at the choice of the latter, if decontamination or destruction of the articles is allowed in accordance with paragraphs 29 and 30 of these Rules.

The owner should, within 2 days from the date of decision on the ban of regulated articles from importation adopted by an authorized official, take actions for return, destruction or decontamination of the regulated articles.

In case where the owner of articles refuses from performing their decontamination or destruction, as well as in case where it is not possible to perform their decontamination or destruction, an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body will issue an



instruction on the return of regulated articles at the expense of their owner.

29. Upon application of the owner of regulated articles, the articles are subject to decontamination at the expense of their owner provided that the site of state control has conditions for performing such decontamination.

The conditions of transportation to the site of decontamination of regulated articles should prevent potential spread of quarantine objects (pests) on the travel route to the decontamination site.

As soon as decontamination is completed, officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body shall perform inspection of the regulated articles, develop an act according to the format established by the Ministry of Agriculture of the Russian Federation and formalize the decision allowing importation via affixing a stamp "Import allowed" on the phytosanitary certificate (if available) and the transport (shipping) document; the stamp is attested by the signature and personal numbered seal stating the date.

30. Upon application of the owner of regulated articles, the articles are required to be destroyed at the expense of their owner, provided that the site of state control has necessary conditions for the destruction of regulated articles by methods preventing spread of the quarantine objects (pests) which have caused contamination (infestation) of the regulated articles; and, these methods should not pose a threat to human life and health or affect the environment.

As soon as the destruction of the regulated articles is completed, an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body will develop an act according to the format established by the Ministry of Agriculture of the Russian Federation.

31. In case where the results of conducted examination (visual inspection) have demonstrated that the regulated articles comply with the phytosanitary requirements of the Russian Federation, an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body notifies the carrier of the regulated articles that importation of the batch of regulated articles is allowed.

32. Decision on allowing importation of the regulated articles is formalized by an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body by putting a stamp "Import allowed" on the phytosanitary certificate (if available) and the transport (shipping) document; the stamp is attested by the signature and personal numbered seal stating the date.

33. Based on the results of completed state control, an official of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial body informs a customs officer on the adopted decision and return documents on the regulated articles to the customs officer.

34. The Federal Service for Veterinary and Phytosanitary Surveillance and the Federal Customs Service in the course of state control at the checkpoints shall perform information interaction (exchange information (data) and/or documents), *inter alia* with the use of information management systems and technologies.

35. A procedure of information interaction in the course of state control at the checkpoints is approved by the Federal Service for Veterinary and Phytosanitary Surveillance and the Federal Customs

Service.

36. The duration of state control exercised by officials of the Federal Service for Veterinary and Phytosanitary Surveillance or its territorial bodies is determined by the process scheme used to organize passage of individuals, vehicles, cargo, goods and animals across the State Border of the Russian Federation in accordance with Provision 15 of the Rules of Conducting Control of Individuals, Vehicles, Cargo, Goods and Animals at the Checkpoints on the State Border of the Russian Federation approved by Resolution of the RF Government No. 872 dated November 20, 2008 "On Approval of the Rules of Conducting Control of Individuals, Vehicles, Cargo, Goods and Animals at the Checkpoints on the State Border of the Russian Federation."

*END UNOFFICIAL TRANSLATION*